

Docket No.: 36159/098001; P5944
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David S. Allison

Confirmation No.: 3306

Application No.: 09/977,715

Art Unit: 2194

Filed: October 12, 2001

Examiner: Li B. Zhen

For: METHOD AND APPARATUS FOR
COMMUNICATION TO THREADS OF
CONTROL THROUGH STREAMS

APPELLANT'S REPLY BRIEF UNDER 37 CFR § 41.41

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In furtherance of the Appeal Brief filed October 20, 2008, and in response to the Examiner's Answer dated January 8, 2009 (hereinafter "Examiner's Answer"), please reconsider this application in view of the following.

I. STATUS OF CLAIMS

U.S. Application Serial No. 09/977,715 (“the ‘715 Application”) was filed on October 12, 2001. As filed, the ‘715 Application included claims 1-22. In an amendment dated July 19, 2006, claims 1-22 were cancelled, and claims 23-36 were added. In an amendment dated July 9, 2007, claims 37 and 38 were added. In an amendment dated December 13, 2007, claims 24, 25, 31, and 32 were cancelled, and claims 39 and 40 were added. Accordingly, claims 23, 26-30, and 33-40 are pending in the ‘715 Application. Claims 23 and 30 are independent. The remaining claims depend, either directly or indirectly, from claims 23 and 30.

All the pending claims were finally rejected in an Office Action dated March 18, 2008 (“Final Rejection”). An Early Response to the Final Rejection (*i.e.* Request for Reconsideration) was filed on May 12, 2008. The Final Rejection was sustained in an Advisory Action dated June 4, 2008 (hereinafter “Advisory”).

Claims 23, 26-30, and 33-40 are on appeal.

II. GROUNDS OF REJECTION

The present Appeal addresses the following grounds of rejection:

- Whether claims 23, 26-30, and 33-40 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,131,183 (hereinafter “Tyler”) in view of U.S. Patent No. 6,842,898 (hereinafter “Carlson”).

III. SUPPLEMENTAL ARGUMENTS

Appellants submit the following supplemental remarks in response to the Examiner's Answer.

Independent claim 23 explicitly requires, at least: (i) a first data value be written from a first thread to a second thread; (ii) said first data value be written to the second thread using the output stream of the first thread and the input stream of the second thread; (iii) a second data value be generated, by the second thread, by performing an operation on the first data value; (iv) said second data value be written from the second thread to the first thread; and (v) said second data value be written to the first thread using the output stream of the second thread and the input stream of the first thread. Independent claim 30 has similar requirements.

In the Examiner's Answer, the Examiner contends that Tyler discloses a first thread (*i.e.*, ARC/INFO controller), a second thread (*i.e.*, ARC/INFO program), a first data value (*i.e.*, a message to register the readStdin subroutine, hereafter "the message"), and a second data value (*i.e.*, a call to the readStdin subroutine from within the XtMainLoop routine, hereafter "the call"). *See*, Examiner's Action at pages 7 and 8. Appellant respectfully disagrees with the Examiner's contentions. Specifically, Appellant respectfully asserts that the Examiner is mischaracterizing Tyler and/or reading Tyler overly broad, both of which are wholly improper.

Even assuming *arguendo* that Tyler discloses a first thread, a second thread, and a first data value, Appellant respectfully asserts that Tyler fails to teach or suggest a second data value that is generated by performing an operation on the first data value. In other words, Appellant respectfully asserts that Tyler fails to teach or suggest at least above-listed requirement (iii) of the independent claims. Contrary to the Examiner's contentions, Tyler's

second data value (*i.e.*, the call) is generated in response to a Unix TTY command arriving at Tyler's first thread from a terminal emulator, ***not*** by performing an operation on Tyler's first data value. *See*, Tyler at column 5, lines 51-59 and 65-67; and at column 6, lines 1-5. The Unix TTY command is completely independent of Tyler's first data value, Tyler's first thread, and Tyler's second thread. Accordingly, Tyler does not teach or suggest at least "using the second thread to generate a second data value by performing an operation on the first data value," as recited by independent claims 23 and 30.

In view of the arguments presented in the Amended Appeal Brief dated October 20, 2008, and these supplementary remarks, Appellant respectfully requests that the Board reverse the Examiner's rejections of claims 23, 26-30, and 33-40 under 35 U.S.C. § 103(a). Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 36159/098001).

Dated: March 9, 2009

Respectfully submitted,

By /Robert P. Lord/
Robert P. Lord
Registration No.: 46,479
OSHA · LIANG LLP
3945 Freedom Circle, Suite 300
Santa Clara, California 95054
(408) 727-0600
(408) 727-8778 (Fax)
Attorney for Appellant